

VZCZCXRO1420
PP RUEHAT
DE RUEHGV #0155/01 0601511
ZNR UUUUU ZZH
P 291511Z FEB 08
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC PRIORITY 6108
INFO RUEHZJ/HUMAN RIGHTS COUNCIL COLLECTIVE PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2658

UNCLAS SECTION 01 OF 02 GENEVA 000155

SIPDIS

SIPDIS

DEPT FOR IO/RHS, DRL/MLGA, L/HRR

E.O. 12958: N/A

TAGS: [PHUM](#) [UNHRC](#)

SUBJECT: AFRICA GROUP AND OIC FACE OFF AGAINST EU IN DURBAN
AD HOC COMMITTEE

¶1. SUMMARY: The inaugural week-long meeting of the Ad Hoc Committee on the Elaboration of Complementary Standards displayed the irreconcilable rifts between the European Union (EU) and the African Group (AG) and Organization of Islamic Conference (OIC) approaches to racism issues. Nothing less than a new optional protocol to the ICERD on religious issues will satisfy the AG and OIC, while the EU does not see defamation of religion and incitement to religious hatred as racial issues. The lack of consensus and conclusive results from the Committee's meeting bodes ill for productive action in other Durban follow-up fora. END SUMMARY.

¶2. The work of the Ad Hoc Committee session had two parts: 1) reviewing three documents on substantive gaps in current international anti-racism instruments, which had originally come from CERD, the Intergovernmental Working Group on Durban Implementation (IGWG), and the Group of Five Eminent Experts (G5); and 2) discussion of specific recommendations for eventual complementary standards. Delegations recommended the following issues for complementary standards:
- AG/Egypt: incitement to religious and racial hatred (as "previewed" in HRC 3/103) and xenophobia;
- OIC/Pakistan: defamation of religion;
- Syria: the inherent racism of foreign occupation;
- Algeria: racism of foreign occupation and xenophobia.

¶3. Given the appearance of this same handful of issues in every Durban-related forum, it seems likely that upcoming Durban fights will center on them. Referring to ICCPR Article 19, CERD 4, and General Comment 15 of ICERD as precedents, Egypt and Pakistan argued for the acceptance of curbs on freedom of speech to prevent defamation of religion. Near the end of the week-long meeting, given the absence of any agreement, the Algerian President of the Ad Hoc Committee, Ambassador Jazairy, suggested a narration of the discussion as the outcome document. The final record remains open to edits until the second half of the session, which is to be scheduled later.

FLASHPOINTS

¶4. Egypt for the AG and Pakistan for the OIC repeatedly accused the G5 of shirking what they characterized as the G5's mandated duty to formulate a draft of a new optional protocol to the ICERD. The AG interpreted the request of the Durban Declaration and Plan of Action (DDPA) for an elaboration of mechanisms to address gaps as meaning that the existence of substantive gaps was already agreed upon. The EU, by contrast, repeatedly insisted the main problem with anti-racism measures is a lack of political will in individual states and expressed doubt that increased instruments would fix that problem. Seeking the most expedient solution to the admitted gaps in anti-racism

action, the EU supported the experts' recommendations to better implement current instruments and to formulate a convention on human rights education.

15. There was broad agreement that a nexus between religion and racial discrimination exists, but absolutely no agreement that the African Group and OIC proposals are within the purview of the ICERD. The AG-OIC coalition insisted that since anti-Muslim discrimination targets even non-religious people from Muslim regions, it constitutes racism. The EU said it could go along with a CERD general comment on that topic, but did not agree that the issue merits an optional protocol. The EU indicated it would also like to bring up other "multiple aggravated forms of racism," to include sexual orientation, whereas Egypt scoffed that discrimination on grounds of sexual orientation was not even a real discrimination issue.

16. The AG and OIC insisted that a new optional protocol should be drafted, with or without consensus, because, in their view, the DDPA mandates it, while everyone else in the session insisted on the need for consensus. After the session, several EU delegates expressed growing exasperation with the tenor of the racism discussion and worried that ramming defamation of religion into the Durban process endangers consensus on everything else in the DDPA and seriously harms international anti-racism efforts. They hoped to convince GRULAC and the sub-Saharan states to oppose this dilution of the DDPA, although in the session, GRULAC had remained unwilling to oppose the African Group on this issue.

COMMENT

GENEVA 00000155 002 OF 002

17. The Algerian chair made little pretense of impartiality. Above all, he shaped the final document to reflect his view that there is a strong tie between defamation of religion and racial discrimination. The document may be a fairly accurate record of the range of views expressed, but, particularly given that it was approved as the meeting's outcome, it risks becoming a basis for future discussions. It could thus strengthen the position of those who insist on bringing defamation of religion and incitement to religious hatred into the anti-racism regime.
TICHENOR